

TORT LAW AND SOCIAL MORALITY

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no obligation to another exists and defines the scope of those rights when an obligation to another does exist By describing the scope of the decisions that individuals are permitted to make and the requirements of other regarding decisions the author develops a single theory to explain the dynamics of private and common property including exclusion nuisance shared decision making and decision making over time The development of social recognition norms adds to our understanding of property evolution and the principle of equal freedom underlying social recognition that limit government interference with property rights

Key Ideas in Tort Law Peter Cane, 2017-08-10 This book offers nine key ideas about tort law that will help the reader to understand its various social functions and evaluate its effectiveness in performing those functions The book focuses in particular on how tort law can guide people s behaviour and the political and social environments within which it operates It also provides the reader with a wealth of detail about the ideas and values that underlie tort doctrine tort law s rules and principles and the way those rules and principles operate in practice The book is an accessible introduction to tort law that will provide students scholars and practitioners alike with a fresh and engaging view of the subject In this masterful and engaging survey Peter Cane provides an array of illuminating perspectives on the law of torts laying bare its nature structure and functions as well as its legal social and political context Andrew Robertson Professor of Law Melbourne Law School

Morality, Rationality and Efficiency Richard M. Coughlin, 2016-09-16 The papers in this collection were selected from nearly 200 that were presented at the 50 sessions of the second annual International Conference on Socio Economics held at The George Washington University in Washington D C March 1990 They reflect the great interest that socio economics has inspired in the few years since the Society for the Advancement of Socio Economics was founded in 1989 The papers represent the stimulating dialogue among psychologists sociologists political scientists philosophers economists and students of finance and business administration The authors are communicating across the frontiers of established disciplines to address enduring questions on economic theory and policy and they aim to liberate the study of economics from the straitjacket of the neoclassical approach

Legal Reasoning Melvin A. Eisenberg, 2022-09-29 The common law which is made by courts consists of rules that govern relations between individuals such as torts the law of private wrongs and contracts Legal Reasoning explains and analyzes the modes of reasoning utilized by the courts in making and applying common law rules These modes include reasoning from binding precedents prior cases that are binding on the deciding court reasoning from authoritative although not binding sources such as leading treatises reasoning from analogy reasoning from propositions of morality policy and experience making exceptions drawing distinctions and overruling The book further examines and explains the roles of logic deduction and good judgment in legal reasoning With accessible prose and full descriptions of illustrative cases this book is a valuable resource for anyone who wishes to get a hands on grasp of legal reasoning

The Goals of Private Law Andrew Robertson, Hang Wu Tang, 2009-11-16 This collection contributes to a fundamentally important set of debates about the nature of private law The essays consider whether private law should be

seen as having goals and if so whether those goals are particular to private as opposed to public law They consider the legitimacy of the pursuit of community welfare goals in private law and the place of instrumentalist thinking in private law scholarship They explore the relationship between the pursuit of policy goals and the other influences that shape private law such as the formal values of certainty consistency and coherence and the need to do justice to the parties to particular disputes The collection analyses the role that particular policy goals do and should play in particular private law doctrines and contributes to debate about the relationship between community welfare goals and considerations of interpersonal morality arising from the interactions between individuals The contributors are drawn from across the common law world and offer a diverse range of perspectives on the controversies under consideration **From Morality to Law and Back**

Again Michelle Madden Dempsey, François Tanguay-Renaud, 2023-07-18 John Gardner was one of the most prolific widely read and influential scholars working in philosophy of law This book celebrates explores and develops themes of his work during his sixteen years as Professor of Jurisprudence at University of Oxford Written by a team of contributors whose own work has been influenced by Gardner's and with whom he has worked closely this book engages with many of the concepts themes and issues that were central to his philosophical work and outlook It expands on his arguments offers original rebuttals to some and draws connections with parallel and emerging fields that have been influenced by his work This is the first book length treatment covering the entire range of his scholarship and will serve as a handbook of sorts for those scholars seeking to engage Gardner's work and make connections across the wide range of topics on which he has written In particular the volume comprises discussions of duties to try and succeed in relation to Hume's maxim that ought implies can the role of continuity conservatism and corrective justice in private law the interrelations between wrongdoing blame punishment and the justification of criminal law justifications excuses and responsibility the distinctiveness of the wrongs of rape and discrimination as well as general jurisprudence and how it may or may not illuminate the questions of normativity and the nature of constitutions The volume also engages with further concepts and questions addressed through the prism of Gardner's work include Indigenous rights and law Equity corporate responsibility and the possibility of state crimes and the nature structure and phenomenology of virtue Together the papers collected in this volume pay homage to the breadth of John Gardner's legal philosophy The conversations begun or continued in this volume will continue to inform the contributors' future work and thus increase the likelihood that John's body of work will have an ever greater influence on the future of legal philosophy Foundations of Economic Analysis of Law Steven Shavell, 2009-07-01 In this book Steven Shavell

provides an in depth analysis and synthesis of the economic approach to the building blocks of our legal system namely property law tort law contract law and criminal law He also examines the litigation process as well as welfare economics and morality Aimed at a broad audience this book requires neither a legal background nor technical economics or mathematics to understand it Because of its breadth analytical clarity and general accessibility it is likely to serve as a definitive work in the

economic analysis of law A Communitarian Theory of WTO Law Chios Carmody,2023-12-21 Since 1995 there has been intense debate about whether the WTO Agreement is just Many observers point to the association of the treaty with intensive interdependence and the disruptive effects of globalization to assert that it is unjust Nevertheless justice in sovereign terms is different from justice in human terms This book puts forward a theory of WTO law to explain the difference and its implications for the international trading system It details how economic interdependence gives rise to an interdependent view of the relationship between different forms of justice and to interdependent obligations in WTO law It also suggests how the WTO dispute settlement system might have a residual value as a locus for transformative outcomes despite contemporary concerns about the system s political acceptability Taken together such insights may assist in identifying elements of a general theory of law

Responsibility in Law and Morality Peter Cane,2002-04-17 Lawyers who write about responsibility tend to focus on criminal law at the expense of civil and public law while philosophers tend to treat responsibility as a moral concept and either ignore the law or consider legal responsibility to be a more or less distorted reflection of its moral counterpart This book aims to counteract both of these biases By adopting a comparative institutional approach to the relationship between law and morality it challenges the common view that morality stands to law as critical standard to conventional practice It shows how law and morality interact symbiotically and how careful study of legal concepts of responsibility can add significantly to our understanding of responsibility more generally Central to this project is a distinction between two paradigms of responsibility the criminal law paradigm and the civil law paradigm Whereas theoretical discussions of responsibility tend focus on conduct and agency taking account of civil law reveals the importance of outcomes and the interests of victims and society to ideas of responsibility The book examines from a distinctively legal point of view central philosophical questions about responsibility such as its relationship with culpability challenging the common view that moral responsibility requires fault causation and personality It explores the relevance of sanctions and problems of proof and enforcement to ideas of responsibility as well as the relationship between responsibility and distributive justice and the role of concepts of responsibility in public law At the heart of this book lie two questions what does it mean to say we are responsible and what are our responsibilities Its aim is not to answer these questions but to challenge some traditional approaches to answering them and more importantly to suggest fruitful alternative approaches that take law seriously

Complete Tort Law S.I. Strong,Liz Williams,2011-03-17 Complete Tort Law Text Cases Materials combines extracts from a wide range of recent cases with clear explanatory text to create a complete resource for students A wealth of features provide a high level of support making this an ideal introduction to tort law Freedom of Religion and Religious Pluralism Md. Jahid Hossain Bhuiyan,Carla M. Zoethout,2023-03-20 Religious pluralism is an important aspiration of contemporary societies meaning that religious diversity is permitted and everyone has the freedom of religion or belief or not to believe The peaceful coexistence of people of a myriad of faiths is indispensable for securing peace in the modern era

of political upheaval and economic dissonance This book brings together a variety of religious and non religious perspectives on religious pluralism It explores the key philosophical and legal issues associated with religious freedom and social harmony Freedom of Religion and Religious Pluralism intends to serve as a valuable resource for scholars specialising in religion citizenship and migration studies It will also act as a reference for courses on law religion and human rights **Law and Morality** Joseph Esposito,2023-11-25 This book provides a survey of important topics arising out of the interaction of law and morality primarily within the American legal tradition Its focus is on an examination of relevant case law The book is divided into three sections 1 Theory Some general theories of the relation between law and morality 2 Method How the law attempts to deal with evolving issues of law and morality using the common law and the ethical and procedural norms of judicial reasoning 3 Practice A survey of topics where case law is seen as a response to controversial moral conflicts that arise within American culture and social life Law and Morality can be seen as a core text for courses in the general area of law and morality or law and ethics taught in philosophy departments multi disciplinary curricula involving Philosophy Politics and Law pre law courses on an undergraduate level and courses in law schools that take up law and philosophy issues It is an important reference work for international legal scholars and those interested in obtaining in a single volume a broad range of information about how the American legal system has evolved in dealing with moral and ethical conflicts through law

Reason, Morality, and Law John Keown,Robert P. George,2013-03-21 John Finnis is a pre eminent legal moral and political philosopher This volume contains over 25 essays by leading international scholars of philosophy and law who critically engage with issues at the heart of Finnis s work Maimonides and Contemporary Tort Theory Yuval Sinai,Benjamin Shmueli,2020-08-06 Presents Maimonides complete tort theory and how it compares with other tort theories both in the Jewish world and beyond Law and Morality KennethEinar Himma,2017-07-05 This volume collects many of the key essays exploring the possible relationships between the concepts of law and morality a central concern of contemporary philosophizing about law It is organized around five conceptual issues classical natural law theory legal positivism s separability thesis Ronald Dworkin s constructive interpretivism inclusive legal positivism s assertion that there can be legal systems with moral criteria of legality and the relevance of morality and moral theorizing in theorizing about the concept of law and associated legal concepts Each of the essays makes an important contribution toward addressing these issues *The Humanity of Private Law* Nicholas McBride,2018-12-27 The Humanity of Private Law presents a new way of thinking about English private law Making a decisive break from earlier views of private law which saw private law as concerned with wealth maximisation or preserving relationships of mutual independence between its subjects the author argues that English private law s core concern is the flourishing of its subjects THIS VOLUME presents a critique of alternative explanations of private law defines and sets out the key building blocks of private law sets out the vision of human flourishing the RP that English private law has in mind in seeking to promote its subjects flourishing shows how various

features of English private law are fine tuned to ensure that its subjects enjoy a flourishing existence according to the vision of human flourishing provided by the RP explains how other features of English private law are designed to preserve private law's legitimacy while it pursues its core concern of promoting human flourishing defends the view of English private law presented here against arguments that it does not adequately fit the rules and doctrines of private law or that it is implausible to think that English private law is concerned with promoting human flourishing A follow up volume will question whether the RP is correct as an account of what human flourishing involves and consider what private law would look like if it sought to give effect to a more authentic vision of human flourishing The Humanity of Private Law is essential reading for students academics and judges who are interested in understanding private law in common law jurisdictions and for anyone interested in the nature and significance of human flourishing

Tort Law And Social Morality Book Review: Unveiling the Magic of Language

In an electronic era where connections and knowledge reign supreme, the enchanting power of language has become much more apparent than ever. Its capability to stir emotions, provoke thought, and instigate transformation is truly remarkable. This extraordinary book, aptly titled "**Tort Law And Social Morality**," published by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound impact on our existence. Throughout this critique, we shall delve to the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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